

## Tales of the Olden Days Given by Chief Justice McBride in Memorable Address before the Pendleton Bar Association

(Continued from page 18.)

that occasion will not be forgotten by those who heard it. When he had alluded briefly to the struggles in which he had engaged, the blows he had given and received, and said that all those controversies were past and of no moment, and his concluding words, "All in peace with me," were prophetic. Ten days from that night in the midst of sweet slumber, that "peace which passeth all understanding" came to him. "God took him and he was not,"—an ideal end of an ideal life.

Closely associated with him in my memory is Justice Reuben J. Boise, in my judgment the greatest constructive jurist Oregon ever had. Educated in Massachusetts during the days of Chief Justice Shaw, Rufus Choate and Daniel Webster, he was imbued with all the magnificent logic of the common law. Keenly alive to the exigencies of a new and infant commonwealth, he realized what logical modifications of the common law were necessary in the new conditions, and sparingly yet judiciously he applied those modifications in a way that did not disturb the harmony of that magnificent structure whose foundations rest so deep in the philosophy of justice. Affable yet dignified in demeanor, he was at home with a statesman or a laborer. "Riding the circuit" on horseback, clad in homely garb, he would dismount to tie his horse to a sapling and enter the court room looking like a rancher who had come in to do his week's trading; but once on the bench no justice of the United States ever displayed more dignity or commanded greater respect. He was a kindly man and was one of my best friends. A few months after I had begun practice, or rather after I had opened a law office and was ready to begin practice, I had a tempting offer from an old friend to quit the law and engage in other and more profitable business. Before passing on the offer I had a confidential talk with Judge Boise and told him that I was getting no business and was nearly out of money and was much inclined to accept the offer. He earnestly remonstrated and pointed out that I was only going through the rite that awaited every young lawyer, and ended by offering me some financial assistance, which I accepted and which took me a long time to repay. His portrait is upon my table as I write and his memory will be revered by me as my truest guide, mentor and friend. The judge had a fine sense of humor which sometimes though rarely was tinged with sly sarcasm. Thus when a robust attorney discussing a proposition said, "If I am not correct in this proposition, I will burn my books," the judge dryly remarked, "It might help some if you would read your books more, instead of burning them." While I was on the circuit at Astoria a juror in an important case separated from his fellows while on the way to dinner and assuaged his thirst with a glass of whiskey, this fact being shown on a motion in arrest of judgment. Judge Boise hap-

pened in when I was investigating the matter and I mentioned it to him, asking his opinion. He said: "Well, I never had but one case of that kind, and that was in Tillamook County. There being no convenient jury room, I allowed the jury one night to use the court room for its deliberations. Somehow a bottle of whiskey was smuggled in and on being informed of the fact I began an inquiry with a view to finding out and punishing the guilty party. I called up several jurymen and inquired, and while they admitted that the bottle was there and that they drank of it none of them would admit that they knew how it got there. Finally I asked one jurymen if he saw the bottle and he said that he did. I then asked him if he knew how it got in the court room and he said, 'No, not exactly, but I saw one of the boys go around behind that pulpit where you sit and he came out with the bottle and said, 'Well, boys, let's all have a nip of Judge Boise's whiskey.' " "And," said the judge, "I concluded that the investigation had gone far enough."

Joseph C. Wilson, another of our early judges, and compiler of the first volume of Oregon reports, was another able jurist who combined brilliant talent with an irresistible sense of humor. I got this anecdote from the late J. W. Whalley, who claimed to have copied it from the journals of the court where it appeared in Judge Wilson's own handwriting. It reads substantially this:

"In matter of the contempt of M. Baker, an attorney. On this day the court having sustained a demurrer in the case of Jones vs. Smith, one M. Baker an attorney of this court and an attorney for plaintiff in said case remarks in an audible voice in the presence of the court, 'That is a hell of a ruling, whereupon the court deeming said M. Baker in contempt imposes upon him a fine of twenty dollars and thereupon said Baker in a loud voice and in the presence and hearing of the court remarks, 'The court may fine and be damned,' and the court, deeming him still further in contempt, imposed upon him an additional fine of twenty-five dollars, which fine said Baker then and there pays to the clerk and departs from the court room in a state of great apparent disgust."

After his retirement from the bench Judge Wilson engaged in the practice of law in The Dalles and was elected to Congress and died while occupying that position. He was a faithful and talented public servant. His son, Hon. Fred W. Wilson, upholds the family traditions and is now the honored judge of the Seventh Judicial District. I recall also my friend Judge L. I. McArthur, who I believe was a resident of Grant County at the time of his accession to the bench. He was a fine, scholarly man, an able judge and a gentleman of the old school. He was on the supreme bench when I was admitted to the bar, and subsequently our personal relations became very close. In his death I lost a very near and dear friend.

Justice William J. Lord was a very

## GIBSON AND ACORD ARE TWO MOVIE ACTORS WHO HAVE RIDDEN IN SHOW

Two famous Wild West motion picture stars did some of their first exhibition riding at the Pendleton Round-Up. They are Ed (Hoot) Gibson and Art Acord, both of whom entered the glow of the limelight in 1913, the third year of the Round-Up.

Gibson, with 55 points, defeated Sid Scale for the Police Gazette championship belt. Scale had 23 points to his credit. Gibson was then 21 years old and had done much riding of the range in the Northwest. He was born in Nebraska.

Art Acord, hero of a thousand and seven adventures, won third place in the bucking contest of 1912, when L. W. Miner was acclaimed champion. It was in this year that Acord won first in the bulldozing.

Both cowboys, destined to become familiar to thousands of motion picture fans, are known to many Pendleton people. Gibson was married recently, his bride being a vaudeville actress.

great judge. He went to the bottom of every case he decided, exhausted the authorities and announced his conclusions in clear, scholarly, terse English unsurpassed by any judge of any court. His real monument is found in the Oregon reports and his fame will grow brighter with each succeeding year.

Among the great judges whom I counted as my friends was Judge M. P. Deady. He and my father became friends in the early pioneer days, and the judge always had a warm spot in his heart for the old pioneers and their descendants. When I was first admitted he congratulated me and kindly said that if I ever got stumped on any legal proposition that would not arise in his court, he would be glad to advise and help me. I think I rather over taxed his kindness in that respect but he always assisted me cheerfully. In one matter in which I asked his assistance he sent me a brief which it must have taken him considerable time to prepare, and jokingly said that the firm of Deady & McBride had been in existence for more than a year and that he was contemplating bringing a suit for division of the profits of the firm. In reply, after thanking him for his assistance, I enclosed a three-cent postage stamp and assured him that this constituted at least one-half of the net profits which had accrued during the year. He returned the stamp with this greeting:

"Dear Mr. McBride: Please find your postage stamp returned without a thank. And if you'd care my real errand. Send check upon the bank." I think that this was perhaps the only time that my learned and austere

## JACKSON SUNDOWN ONLY INDIAN WHO EVER WON BUCKING CHAMPIONSHIP

Unique among the Indian riders is Jackson Sundown, the Nez-Perce, of Cullisac, Idaho, nephew of Chief Joseph, the only Indian who ever won that coveted trophy, the Round-Up prize saddle for the championship of the world.

He won the trophy in 1916, by a spectacular ride on Angel. He was 50 years of age at the time and had never touched liquor or tobacco. He is a member of the Catholic church and now resides at Slickpool, Idaho.

In insight into the Indian nature is shown by the fact that when the saddle was won, Sundown asked that instead of his own name, the name of his wife be inscribed on the silver plate of the beautiful triumph of the saddle's art.

Previous to winning the championship, Sundown had ridden four times in the semi-finals, and in 1915, in the finals, he had won third money.

## BANKER AND MERCHANT USED TO WEAR BIG HATS AS RIDERS OF RANGE

Two there are of Pendleton's prominent citizens who wear their Round-Up regalia of broad-brimmed hats, fancy vests and brilliant shirts with more than ordinary grace.

They are G. M. Rice, president of the First National Bank, and R. D. Sayres, one of the owners of the Peoples Warehouse. A glance into the past reveals that the two once rode the range and knew something of the life of the cowboy.

The two used to ride over cattle in the Columbia River basin region, where Mr. Rice's father was engaged in the stock business. That was 45 years ago and through all the years the friendship of the two has continued. They were for a time in the dry goods business together in Dayton, but later came to Pendleton, Mr. Sayres to go into the mercantile business and Mr. Rice into banking.



## First National Bank of Pendleton.

MEMBER FEDERAL RESERVE SYSTEM.

Offers an unexcelled banking service to individuals, corporations and banks; transacts a general banking business and maintains special departments with facilities of the highest character.

Acts as administrator of estates, or as executor or trustee under wills.

PENDLETON OREGON

## Drug Stores for Well People

Formerly drug stores, as a rule, were frequented only by those in ill health, but times have changed. The modern drug store of today supplies the thousand and one needfuls that prevent diseases, and lend to ones, cleanliness, comfort and charm.

We sell and fill prescriptions with the best drugs obtainable. Our store is modern, in that we supply you with modern needs at moderate prices.

## Kodaks and Supplies for Your Outing

Whether you can afford the cheapest or the higher priced Kodak with the Range finder, we can sell you an Eastman Kodak.

### Fresh Films

Don't risk failure with old films. We sell so many and renew stock so often that you get here only the most advanced datings.

### Developing and Printing

We will return your film next day at noon if received before 1 o'clock the day before.

### Books for Your Entertainment

We carry a very large assortment of the best popular fiction at the popular price.

### Round-Up Souvenirs

Pennants from the Round-Up town. Leis with bucking horse, to wear around neck. Silk Scarfs, with bucking horse.

### The Book of the Round-Up Let 'er Buck

A true story of the passing of the old West, with the history of the Pendleton Round-Up and FIFTY selected photographs.

## Thompson's Drug Store

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# Mr. Man!

Your attention is called to a line of Shoes we carry.



## Endicott-Johnson Co.

These shoes are best in the long run. If you've ever worn these shoes, you are already familiar with the great amount of travel, service and comfort they render.

If you haven't this is a splendid opportunity to acquaint your feet with them. There is as much difference in the way these and ordinary shoes feel

as is between 1st class and steerage traveling.

Just see how little it costs to travel 1st class.

Endicott-Johnson Co. Shoes are offered in many styles and leathers, the workmanship is of the best; and you get real shoe service, either for dress up wear or work shoes.

Let us sell you a pair next time.

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